

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

NOTICE OF FILING REGARDING DISCOVERY CONFERENCE

In advance of today's conference, State Defendants provide "a bullet-point list of matters to be discussed," as requested by the Court:

- **Scope of investigative privilege.** The parties previously filed a joint discovery dispute that included assertions of investigative privilege over documents related to active investigations. [Doc. 1360]. At the subsequent teleconference, the Court requested samples of election-security investigative reports. [Doc. 1374 at Tr. 54:15-55:23]. After State Defendants provided those reports, the Court required total number of investigative reports related to election security, [Doc. 1386], which State Defendants provided as 418 total cases, 198 of which were closed, [Doc. 1388, pp. 1-2]. At the June 6 teleconference, the Court asked for an estimate of time to produce the closed

reports, which State Defendants provided and later produced to Plaintiffs. Plaintiffs now seek additional documents or at least a log of documents within an active investigation into Coffee County, which would reveal sources and methods. State Defendants have already agreed to provide information about the investigation and timeline under oath as part of the 30(b)(6) deposition of the Secretary's office next week. Plaintiffs have not shown any reason why active investigation documents—which are now part of a criminal investigation by the Georgia Bureau of Investigation—should be produced or are even relevant to the constitutional claims they assert in this lawsuit.

- **Supplementation of discovery by Coalition Plaintiffs.** Since the earlier discovery dispute over the subpoena to Marilyn Marks, Coalition Plaintiffs supplemented responses indicating they had communications with Cathy Latham, Ed Voyles, Misty Hampton, Eric Chaney, Scott Hall, and others. Response, attached as Ex. A. Documents have also been produced which show communications between Ms. Marks and Cathy Latham, Ed Voyles, and Misty Hampton in the aftermath of the November 2020 election. Sample of documents, attached as Ex. B (format is as produced by Coalition Plaintiffs). The Court should require Coalition Plaintiffs to state when their supplementation will be complete.

Respectfully submitted this 30th day of September, 2022.

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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing NOTICE has been prepared in Century Schoolbook 13, a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Bryan P. Tyson
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